



1605  
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Henkin, et al.

Serial No.: 09/833,196

Filed: April 11, 2001

Title: PEPTIDE ANTIANGIOGENIC DRUGS

Case No.: 6356USP4

Group Art No.: 1653

Examiner: Lukton, David

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on:

Date of Deposit: March 15, 2004

Tanya Parent 3/15/04  
Tanya M. Parent Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

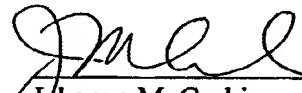
Enclosed herewith for the patent application identified above entitled PEPTIDE ANTIANGIOGENIC DRUGS are the following:

1. Amendment, 7 pages;
2. Request for Three-Month Extension of Time, in duplicate; and
3. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

Respectfully submitted,  
Henkin, et al.

ABBOTT LABORATORIES  
Customer Number 23492  
Telephone: (847) 935-7956  
Facsimile: (847) 938-2623

  
\_\_\_\_\_  
Johanna M. Corbin  
Registration No. 51,582  
Attorney for Applicants

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIA TE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

6356USP4

In re Application of: Jack Henkin, et al.

Application No.: 09/833,196

Filed: April 11, 2001

For: Peptide Antiangiogenic Drugs

The owner\*, Abbott Laboratories, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 09/447,226. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

 3/30/04  
Signature Date

Johanna M. Corbin

Typed or printed name

(847) 935-7956

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

0982135

000000010025

110.00

04/08/2004 00:00:00

01 FC1014